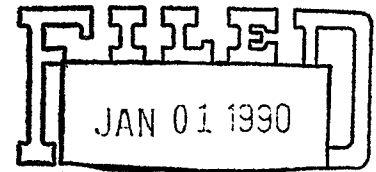


WELLS SUPERIOR COURT

LOCAL COURT RULES



Harla J. Barron
CLERK WELLS SUPERIOR COURT

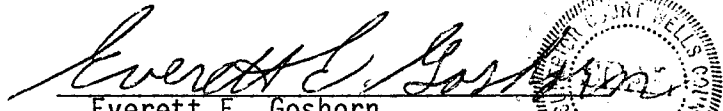
Pursuant to Trial Rule 81 of the Indiana Rules of Procedure, the Wells Superior Court does hereby adopt the following Local Rules, repealing any local rules heretofore promulgated for Wells County Court or Wells Superior Court.

Copies of these rules shall be certified to the Indiana Supreme Court and Court of Appeals pursuant to Trial Rule 81. Copies of these rules shall be located in the Clerk's Office, the office of the Court, and on the Court bench.

Adopted this 1st day of July, 1986.

Amended this 18th day of March, 1988.


Amended further this 1st day of January, 1990.


Everett E. Goshorn
Judge, Wells Superior Court



CERTIFICATE OF SERVICE

I, Everett E. Goshorn, Judge of the Wells Superior Court, hereby certify that I have served two copies of these Rules, as amended on March 18, 1988, and as further amended on January 1, 1990, upon the Clerk of the Supreme Court and Court of Appeals of the State of Indiana pursuant to Trial Rule 81.


Everett E. Goshorn
Judge, Wells Superior Court



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RULE 1
SCOPE OF THE RULES

These rules govern the procedure and practice of the Wells Superior Court.

Those rules designated "Criminal" shall apply solely to felony and misdemeanor cases.

Those rules designated "Infraction" shall apply solely to State and local infraction and ordinance violations complaints.

Those rules with no special designation shall govern all suits of a civil nature except small claims or where clearly inapplicable.

RULE 2
APPEARANCE AND WITHDRAWAL

(A) GENERAL. Except by leave of Court an appearance by counsel shall be made in writing and filed with either the Clerk or the Court. It shall contain the appearing person's name, address, and phone number. A copy thereof must be served on other counsel or pro se parties.

(B) APPEARANCE PRO SE. A party proceeding pro se is acting as his own attorney and shall be subject to rules of practice and procedure unless, by its nature, a rule does not apply to such party.

(C) WITHDRAWAL. Counsel desiring to withdraw appearance in any action shall file a petition requesting leave to do so. Such petition shall fix a date for such withdrawal, and petitioning counsel shall file with the Court satisfactory evidence of at least ten (10) days written notice to his client in advance of such withdrawal date, or evidence of vigorous attempt to contact such client. A withdrawal of appearance when accompanied by the appearance of other counsel shall constitute a waiver of the foregoing requirements. No withdrawal of appearance shall be granted where it would deprive the Court of its jurisdiction over the party.

RULE 3
PLEADINGS

(A) Pleadings shall clearly identify the name of the attorney or attorneys filing the same, the firm name, including address and phone number, together with the name of the client represented by such attorney or attorneys.

(B) Pleadings of parties representing themselves shall be signed and shall include the address and telephone number of said party.

(C) For purposes of Trial Rule 5(B)(1)(d) of the Indiana Rules of Civil Procedure, the Court designates the attorney boxes located in the office of the Bailiff of Wells Circuit Court as a suitable place for delivery of pleadings and papers to any attorney whose name or the name of the law firm with which any such attorney practices appears thereon. Any attorney wishing to be exempted from this rule must submit to the Court a written request for exemption, which written request shall be prominently posted on said attorney boxes.

RULE 4
SERVICE OF PROCESS

Personal service shall be made by the sheriff of the county or by private process server approved by the Court.

RULE 5
ENLARGEMENT OF TIME TO PLEAD

Except in small claims cases an initial motion for enlargement of time to file responsive pleadings shall be granted, subject to the following:

- (a) the motion must be written and must comply with T.R. 6(B)(1);
- (b) except for good cause the automatic enlargement requested may not exceed thirty (30) days from the original due date; and
- (c) enlargement will not be automatic in matters denominated in the pleadings as emergency in nature or in small claims cases.

RULE 6
INTERROGATORIES

(A) A party serving written interrogatories pursuant to the Indiana Rules of Procedure shall provide two (2) copies to each party required to answer the same. The interrogatories shall contain, after each interrogatory, a reasonable amount of space for entry of the response or objection.

(B) If the number of interrogatories, including subparts, exceeds twenty-five, then a copy of all interrogatories propounded must be filed with the Court.

(C) Interrogatories shall be used solely for the purpose of discovery in the captioned case.

(D) The answering party may attach an addendum to the copies if the space provided is found to be insufficient. In any event, answers or objections to interrogatories shall include the interrogatory being answered or objected to immediately preceding the answer or objection.

RULE 7
DISCOVERY

(A) All items and information which are the lawful subject of discovery in any civil case pending in the Wells Superior Court shall be exchanged between the adversary parties without formal request up to the trial or the pre-trial conference, if one is held.

(B) To curtail undue delay in the administration of justice, the Court shall refuse to rule on any motion for discovery and production of documents under Trial Rule 27 through Trial Rule 37 of the Indiana Rules of Civil Procedure unless the moving counsel shall first advise the Court in writing that after personal consultation and sincere attempts to resolve differences, an accord cannot be reached. The statement shall recite, in addition, the date, time, and place of such consultation and the names of all parties participating therein. If any counsel has refused to meet or has delayed the meeting and discussion of the problems covered in this subsection, then the Court may take such action as is appropriate to avoid delay.

RULE 8
PRE-TRIAL MOTIONS

If a party files a motion which requires a ruling by the Court and fails to bring said motion to the attention of the presiding judge either by requesting a hearing thereon or by agreeing to submit same without hearing, then the court, after thirty (30) days from the filing thereof, may dismiss the motion, set same for hearing, or rule on the motion without a hearing.

RULE 9
PRE-TRIAL CONFERENCES

(a) There shall be a pre-trial conference in every civil case scheduled for jury trial. In other cases, upon motion of any party or upon motion of the Court, a pre-trial conference may be held.

(b) Unless otherwise directed by the Court, all attorneys appearing at the pre-trial conference shall participate in the trial. A party shall be required to appear, in person, at the pre-trial conference if said party is proceeding pro se.

(c) It shall be the duty of counsel for the plaintiff or for the moving party to arrange for a conference of attorneys in advance of the pre-trial conference with the Court.

(d) Both counsel for the plaintiff and defendant shall provide the Court, at or before the pre-trial conference, a list setting out the parties' expected witnesses, exhibits, lists of contentions or issues and stipulations. Further, plaintiff's counsel shall in said document also notify the Court of the date and place of the conference of attorneys.

(e) Following the pre-trial conference a pre-trial order shall be prepared, signed and filed as directed by the Court at the pre-trial conference. When signed by the Court and entered of record, the pre-trial order shall control the course of the trial and the pleadings will be deemed merged therein.

RULE 10
CONTINUANCES

Subject to the Court's discretion, a motion for continuance of any hearing or trial, unless made during the hearing of the cause, shall be in writing with copies first served upon opposing counsel. The attorney's signature on a request for continuance is considered a certification that the client has been notified of the request.

RULE 11
VOIR DIRE IN CIVIL AND CRIMINAL CASES

(A) Counsel may obtain copies of the jury questionnaires from the Court Bailiff prior to trial date.

(B) Voir Dire shall be conducted according to the following procedure:

- (1) Court asks general qualification questions.
- (2) Party with burden examines panel, then defendant examines.
- (3) Each side then submits written and signed challenges to the Bench. (If no challenges, a signed paper indicating no challenges will be submitted)
- (4) Defendant proceeds with examination, then party with burden, etc. until six (or 12) jurors are chosen.
- (5) Two passes of a juror seats that juror except for cause.
- (6) If both parties strike the same juror, it counts against both.
- (7) Superior Court civil jury trials and criminal jury trials where the maximum charge is a Class D Felony or below shall have a six (6) person jury. (I.C. 34-1-20.5-1; I.C. 35-37-1-1)

All other jury trials shall have a twelve (12) person jury unless the State and Defendant agree to a lesser number.

- (8) The following peremptory challenges are allotted to each side pursuant to I.C. 35-37-1-3 and I.C. 34-1-20.5-3.
 - Capital Murder - - - - - 20
 - Murder & Class A, B, & C Felony - 10
 - All other Criminal Trials - - - - 5
 - Civil Trials - - - - - 3
- (9) When several defendants are tried together, they must join in their challenges.
- (10) The first six (or 12) prospective jurors will be seated in the jury box in the order drawn and will be examined by the parties.

- (11) When a prospective juror is stricken from the panel, that person will be replaced by the prospective juror next in order.
- (12) Voir Dire will be recorded only on request made prior to commencement of examination by the parties.
- (13) Each side is subject to the following TIME LIMITS on Voir Dire unless for good cause shown said limits are extended:
 - Felony Trials - 60 minutes per side
 - All other Trials - 30 minutes per side

RULE 12
DOMESTIC RELATIONS

(A) In contested dissolution, custody, modification, and support cases, petitioner and respondent shall make full and complete disclosure of all assets and liabilities. They shall also make disclosure of all income and reasonably anticipated expenses computed on a monthly basis.

The disclosure shall be made to opposing party, pro se, or to opposing counsel no later than fourteen (14) days before the final hearing date.

The disclosure requirements shall be enforced pursuant to, but not limited to, the Court's powers under Trial Rule 37 and 60, Contempt, Mandate, Dismissals and any and all other proper power and relief.

(B) The Wells Superior Court's Standard Schedule and Rules for Visitation as established by the Court shall be used to determine visitation schedules and rules. Copies of this Schedule shall be located in the Clerk's office, the offices of the Court and on the Court bench. A copy thereof may be obtained, upon request, from the Court personnel.

(C) At the provisional order hearing the cause shall be set for uncontested final hearing which shall be used as a pre-trial conference if a contested final hearing is necessary.

(D) Effective January 1, 1991, if child custody or visitation is to be contested at the final hearing, except for good cause shown the Court shall not allow the cause to be submitted at final hearing until the parties have participated in private mediation with a mediator approved by the Court and the mediator submits to the Court a final report indicating that the mediation process is completed.

RULE 13
DOCUMENTS AND FILES

(A) All civil and domestic relations judgments, final decrees, property settlement agreements and other documents which the Clerk must enter in the Order Book shall be on 8-1/2" by 14" (legal size) or 8-1/2" by 11" (letter size) paper and shall be single-spaced except paragraph breaks which may be double-spaced.

(B) No person shall withdraw any original pleading, paper, record, model or exhibit from the custody of the clerk or other officer of this Court having custody thereof except upon the order of the judge of the Court and after giving a proper receipt.

(C) Unless otherwise ordered by the Court, the clerk, at any time after a deposition is filed, shall open such deposition upon request of the judge, or a party or his attorney. The clerk shall first endorse on the back thereof, at the time of opening, the name of the person at whose instance the deposition is opened and the date of opening. Any party to an action or counsel thereto may obtain a photostatic copy of a deposition on file with the Clerk of the Court upon tendering a receipt from the deposing party showing payment to said deposing party of fifty percent of the cost of said deposition. In addition, the requesting party or counsel shall tender to the clerk the amount per page prescribed by the State Board of Accounts for copying service.

RULE 14
PROCEEDINGS SUPPLEMENTAL IN CIVIL AND SMALL CLAIMS CASES

(A) Subject to Court discretion, in any civil or small claims case no party shall be permitted to proceed supplementally upon a judgment until ten (10) days have elapsed from the date the judgment was entered, and then, only upon a showing by the party so proceeding that a good faith effort has been made to collect said judgment.

(B) Each time a new garnishee defendant is to be sent interrogatories, a new motion for proceedings supplemental shall be filed.

RULE 15
MOTIONS -- NOTICE

(A) Pursuant to Trial Rule 6(D) of the Indiana Rules of Civil Procedure, and except as otherwise provided by law, in all civil and criminal cases when a written motion requiring submission of evidence is filed by a party, the motion must be served on opposing counsel at least five days prior to any hearing on the motion.

(B) Except as otherwise provided by law, unless good cause is shown the Court shall not entertain a written motion filed within five days of trial.

INFRACTIONS

RULE I-1

APPEARANCE - DENIAL OF COMPLAINT

(A) If the defendant appears by counsel the presence of the defendant at an initial hearing may be dispensed with and counsel may enter an oral or written denial and the cause will be set for trial on the first available date.

(B) Except by leave of Court and after a written appearance has been entered by an attorney for the defendant, a defendant shall be required to be present in Court to enter an admission in those cases not within the authority of the Traffic Violations Bureau.

RULE I-2

INFRACTION JUDGMENTS

(A) If the defendant fails to appear for a scheduled trial the Court may enter a default judgment against the defendant only if the defendant had previously appeared before the Court and denied the allegations of the complaint.

(B) The judgments for all offenses within the jurisdiction of the Traffic Violations Bureau shall be as set by Court order from time to time and shall be posted in the Clerk's office.

(C) All judgments levied by the Court will be payable in cash, money order or by law firm check. A personal check may not be used for payment of fines and costs.

(D) Collection of infraction judgments may be sought through levy of execution, proceedings supplemental or any other method appropriate to the collection of civil judgments.

CRIMINAL RULES

MISDEMEANOR AND FELONY

RULE C-1

INITIAL HEARING

(A) Defendant shall appear in person, and by counsel if counsel has appeared, at the initial hearing in felony and misdemeanor cases.

(B) A defendant appearing with counsel may waive the initial hearing.

RULE C-2

WITHDRAWAL OF APPEARANCE

In criminal cases, withdrawal of representation of a defendant may not be granted except upon hearing conducted in open Court on the record and in the presence of the defendant. Withdrawal of appearance may be allowed without compliance with requirements of this rule if the reason for withdrawal is the inability to locate or communicate with the defendant. In such event a warrant shall forthwith issue for the arrest of the defendant.

RULE C-3

DISCOVERY

All items and information which are the lawful subject of discovery, in any criminal case pending in the Wells Superior Court, shall be exchanged between the parties without formal request therefore up to seven days before pre-trial conference. Discovery thereafter shall not be automatic but solely with leave of Court.

RULE C-4
PRE-TRIAL CONFERENCES

(A) At the discretion of the judge in any criminal case, the defendant may be scheduled for a pre-trial conference.

(B) The purpose of this conference is to realistically determine the disposition of each case and for:

- (1) Consolidation of hearings on pre-trial motions or requests, pending or anticipated;
- (2) Ruling on any motions or other requests then pending and ascertaining whether any additional motions or requests will be made before commencement of trial;
- (3) Making any other orders appropriate under the circumstances to expedite pre-trial proceedings and trial;
- (4) Simplification of the issues;
- (5) Obtaining admissions of fact and of documents which will avoid unnecessary proof;
- (6) Exchanging the names and addresses of prospective witnesses;
- (7) Examination and identification of proposed exhibits;
- (8) Considering the possibility of disposition of the case without trial.

(C) All genuine questions of law, motions to suppress or dismiss, etc., known by the defense, are deemed waived if not raised at or before the pre-trial conference. Any new matter may be raised as otherwise provided by the Rules after failure to discover upon diligent inquiry.

(D) Unless otherwise directed by the Court, only those attorneys appearing at the pre-trial conference shall participate in the trial, if one is held. The defendant shall be required to appear in person at such hearing only if the defendant intends to enter a guilty plea at the time or if the defendant is proceeding pro se.

(E) The pre-trial conference shall be the last date to submit to the Court a plea agreement.

RULE C-5
CHANGE OF PLEA

(A) No change of plea other than "as charged without recommendation" shall be accepted unless presented to the Court at or before the pre-trial date.

(B) The Court shall not waive this requirement except upon a showing of extreme prejudice.

(C) In felony cases, the Court shall not allow a defendant to tender a plea of guilty pursuant to a plea agreement unless a written plea agreement is filed with the Court before the change of plea.

RULE C-6
TRIAL CONTINUANCES

Continuances of jury trials in criminal cases will be granted only in cases where exigent circumstances exist.

RULE C-7
BAIL BOND

(A) In all criminal cases filed in Wells Superior Court, bail is now fixed as follows:

Murder - - - - -	only by leave of Court
Habitual Offender - - - - -	\$50,000.00
Class A Felony - - - - -	\$30,000.00
Class B Felony - - - - -	\$20,000.00
Habitual D Felony Offender -	\$15,000.00
Class C Felony - - - - -	\$10,000.00
Class D Felony - - - - -	\$5000.00
Class A Misdemeanor - - - -	\$1500.00
Class B Misdemeanor - - - -	\$1000.00
Class C Misdemeanor - - - -	\$500.00
Any Infraction - - - - -	Notice to Appear

(B) Except for those persons charged with Battery, first offenders who commit a Class B or Class C Misdemeanor and who have had a substantial residence in Wells County for more than one year may be released on their own recognizance and the Sheriff, in such cases, shall give them a notice to appear for the next Monday morning that the Court is in session and return a copy of such notice to the Clerk of the Court.

(C) Anyone who is intoxicated at the time of incarceration should not be released until sober.

(D) In all criminal cases involving a Class D Felony or any misdemeanor unless the Court specifies otherwise, a defendant may execute a bail bond by depositing cash in an amount equal to ten percent of the aggregate bond. In such case, the following conditions shall apply to said bond:

(1) An administrative fee of ten percent or fifty dollars, whichever is less, shall be retained by the Clerk and deposited in the general fund of Wells County;

(2) The bond must be posted in the name of the defendant;

(3) The bond is considered a personal asset of the defendant; and

(4) The bond shall be available for payment of court costs, fine, restitution, court-ordered fees, and reimbursement of public defender fees to the county, in the above order of priority.

(E) In any case where cash bond is deposited, the receiving officer shall advise the person posting such bond of the above-stated conditions; however, failure to advise any such person of these conditions shall not constitute a waiver of said conditions.

(F) Upon issuance of a criminal bench warrant, the amount of bail specified in this rule shall be endorsed on the warrant.

(G) The Court may increase or diminish the amount of bond specified under this rule or permit the posting of a cash bond in lieu of accepting any property or surety bond as required by this rule in any justifiable case.

WELLS CIRCUIT AND SUPERIOR COURTS

JOINT LOCAL COURT RULE #1998-1

Pursuant to Rule 15 of the Administrative Rules of the Indiana Supreme Court, the Wells Circuit and Superior Courts do hereby adopt the following joint local rule.

A copy of this rule shall be certified to the Indiana Supreme Court and Court of Appeals. Copies of this rule shall be located in the Clerk's Office, the office of each court and on each court bench.

Adopted this 28th day of May, 1998.

David L. Hanselman, Sr.
David L. Hanselman, Sr.
Judge, Wells Circuit Court

Everett E. Goshorn
Everett E. Goshorn
Judge, Wells Superior Court

CERTIFICATE OF SERVICE

I, Everett E. Goshorn, Judge of the Wells Superior Court, hereby certify that I have served two copies of this Rule upon the Clerk of the Supreme Court and Court of Appeals of the State of Indiana.

Dated: May 28, 1998

Everett E. Goshorn
Everett E. Goshorn
Judge, Wells Superior Court

CERTIFICATE OF SERVICE

I, David L. Hanselman, Sr., Judge of the Wells Circuit Court, hereby certify that I have served two copies of this Rule upon the Clerk of the Supreme Court and Court of Appeals of the State of Indiana.

Dated: MAY 28 1998

David L. Hanselman, Sr.
David L. Hanselman, Sr.
Judge, Wells Circuit Court

WELLS CIRCUIT AND SUPERIOR COURTS

JOINT LOCAL COURT RULE #1998-1

Pursuant to Rule 15 of the Administrative Rules of the Indiana Supreme Court, the Wells Circuit and Superior Courts do hereby adopt the following joint local rule.

A copy of this rule shall be certified to the Indiana Supreme Court and Court of Appeals. Copies of this rule shall be located in the Clerk's Office, the office of each court and on each court bench. A copy of this rule shall also be filed with the Division of State Court Administration.

Section One. Definitions. The following definitions shall apply under this rule:

- (1) A Court Reporter is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.
- (2) Equipment means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
- (3) Work space means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
- (4) Page means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
- (5) Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
- (6) Regular hours worked means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.
- (7) Gap hours worked means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
- (8) Overtime hours worked means those hours worked in excess of forty (40) hours per work week.
- (9) Work week means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; e.g. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(10) Court means the particular court for which the court reporter performs services. Court may also mean all of the courts in Wells County.

(11) County indigent transcript means a transcript that is paid for from county funds and is for use on behalf of a litigant who has been declared indigent by a court.

(12) State indigent transcript means a transcript that is paid for from state funds and is for use on behalf of a litigant who has been declared indigent by a court.

(13) Private transcript means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

Section Two. Salaries and Per Page Fees.

(1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours and overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.

(2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be Three Dollars (\$3.00); the maximum per page fee a court reporter may charge for a copy of a county indigent transcript shall be Twenty-five Cents (\$.25); the court reporter shall submit a claim directed to the county for the preparation or copying of any county indigent transcripts.

(3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be Three Dollars (\$3.00); the maximum per page fee a court reporter may charge for a copy of a state indigent transcript shall be One Dollar (\$1.00).

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be Three Dollars (\$3.00); the maximum per page fee a court reporter may charge for a copy of a private transcript shall be One Dollar (\$1.00).

(5) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

Section Three. Private Practice.

(1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

(a) The reasonable market rate for the use of equipment, work space and supplies;

(b) The method by which records are to be kept for the use of equipment, work space and supplies; and

(c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

(2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

(3) A court reporter shall reimburse the county for the use of equipment, work space and supplies for the preparation of all private transcripts.

Adopted at Wells County, Indiana, this 28th day of May, 1998.


David L. Hanselman, Sr.
Judge, Wells Circuit Court


Everett E. Goshorn
Judge, Wells Superior Court

WELLS CIRCUIT AND SUPERIOR COURTS

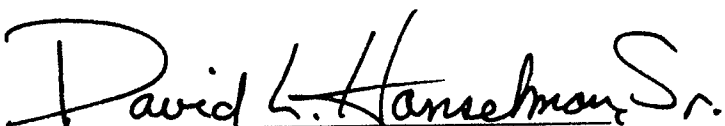
JOINT LOCAL RULE #6

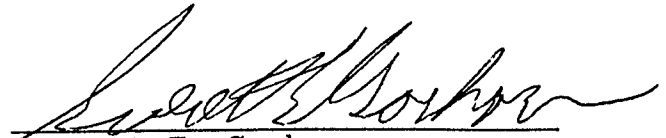
(WELLS COUNTY PLAN FOR ALLOCATION OF JUDICIAL RESOURCES)

We, the undersigned Judges of Wells County, hereby adopt Joint Local Rule #6 entitled Wells County Plan For Allocation Of Judicial Resources.

1. Not later than October 1 of each year, all Judges of the courts of record in Wells County shall meet and shall evaluate each court's caseload data as reported to the Division of State Court Administration.
2. The caseload evaluation shall factor in any special circumstances existing in either court of record.
3. When the Wells Superior Court was created by statute in 1986, the undersigned Judges developed a caseload distribution plan which was designed to make effective use of judicial and support resources as well as prevent any gross disparity in caseloads. History has demonstrated that the plan has worked extremely well.
4. The undersigned Judges have constantly reviewed their respective caseloads and have made minor adjustments which from time to time seemed appropriate and necessary.
5. The current percentage of utilization of the Wells Circuit Court (80.63%) and the Wells Superior Court (79.45%) as indicated by the most recent weighted caseload measures provided by the State Court Administration is nearly identical. Therefore, the undersigned Judges are confident that no adjustments are currently necessary within Wells County.
6. The undersigned Judges recognize the potential consequences of the Supreme Court Order dated July 16, 1999, regarding the Development Of Local Caseload Plans and have determined the anticipated need for additional personnel for the Wells Superior Court as well as additional physical space.
7. The undersigned Judges also recognize a critical need for improving and updating of the computer technology available to the Courts. The current software and hardware utilized by the Courts was originally installed in 1982.

DATED AND ORDERED AT BLUFFTON, INDIANA, THIS 9TH DAY OF
SEPTEMBER, 1999.


David L. Hanselman, Sr.
Judge, Wells Circuit Court


Everett E. Goshorn
Judge, Wells Superior Court

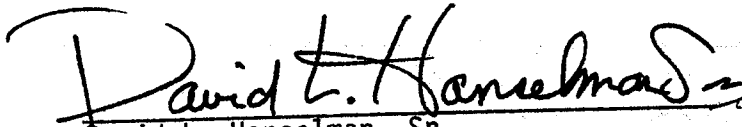
WELLS CIRCUIT AND SUPERIOR COURTS

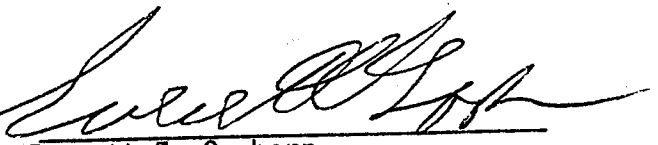
JOINT LOCAL RULE #7

(ADOPTION OF DISTRICT 3 CASELOAD DISTRIBUTION RULE)

We, the undersigned Judges of Wells County, hereby adopt as a Local Rule the District 3 Caseload Distribution Rule, a copy of which is attached and marked "Exhibit 1".

DATED AND ORDERED AT BLUFFTON, INDIANA, THIS 9TH DAY OF
SEPTEMBER, 1999.


David L. Hanselman, Sr.
Judge, Wells Circuit Court


Everett E. Goshorn
Judge, Wells Superior Court

"EXHIBIT 1"

DISTRICT 3 CASELOAD DISTRIBUTION RULE

WHEREFORE, on July 16, 1999, the Supreme Court of Indiana issued an Order for Development of Local Caseload Plans.

WHEREFORE, on September 2, 1999, in an effort to comply with the Order of the Supreme Court, the majority of judges in District 3 met to develop an equitable caseload management plan to diminish caseload disparity among the courts of said District.

NOW THEREFORE, by unanimous vote of the assembled judges, the following Uniform Local Rule is submitted for adoption by each county located in District 3.

DEFINITIONS

An "Over-Utilized County," according to the most recent Weighted Caseload Measure (WCLM), is a county in which the judicial officers are utilized at greater than the statewide average.

An "Under-Utilized County," according to the most recent WCLM, is a county in which the judicial officers are utilized at twenty-six (26) or more percentage points below the statewide average.

An "Other County," according to the most recent WCLM, is a county in which the judicial officers are utilized from twenty-five (25) percentage points below to the statewide average.

RULE

1. Whenever selection of a special judge is required under Trial Rule 76, Trial Rule 79(H) or any Local Rule adopted hereunder, this shall be the exclusive method for selection of said special judge.
2. In an "Over-Utilized County," special judges shall be selected exclusively from a list of judicial officers presiding in courts in "Under-Utilized Counties." To fairly and evenly distribute these assignments and to address geographic considerations, appointment of special judges in "Over-Utilized Counties, based upon the 1998 WCLM, shall be as follows:
 - a. Special judges serving Allen County shall be selected from the nine (9) judicial officers sitting in Adams, LaGrange, Steuben and Wells counties;

- b. Special judges serving DeKalb County shall be selected from the five (5) judicial officers sitting in LaGrange and Steuben counties;
- c. Special judges serving Huntington County shall be selected from the four (4) judicial officers sitting in Adams and Wells counties.

3. In an "Under-Utilized County," special judges shall be selected exclusively from a list of judicial officers sitting in other "Under-Utilized Counties." To fairly and evenly distribute these assignments and to address geographic considerations, appointment of special judges in "Under-Utilized Counties," based upon the 1998 WCLM, shall be as follows:

- a. Special judges serving Adams County shall be selected from the other judicial officer sitting in Adams County and the two (2) judicial officers sitting in Wells County;
- b. Special judges serving LaGrange County shall be selected from the other judicial officer sitting in LaGrange County and the three (3) judicial officers sitting in Steuben County;
- c. Special judges serving Steuben County shall be selected from the other judicial officers sitting in Steuben County and the two (2) judicial officers sitting in LaGrange County;
- d. Special judges serving Wells County shall be selected from the other judicial officer sitting in Wells County and the two (2) judicial officers sitting in Adams County.

4. In an "Other County," special judges will be selected from counties which are similarly situated. To fairly and evenly distribute these assignments and to address geographic considerations, appointment of special judges, based upon the 1998 WCLM, shall be as follows:

- a. Special judges serving Noble County shall be selected from the other judicial officers sitting in Noble County and the two (2) judicial officers sitting in Whitley County;
- b. Special judges serving Whitley County shall be selected from the other judicial officer sitting in Whitley County and the three (3) judicial officers sitting in Noble County.

5. Each judge in every court of District 3 shall maintain a list of judges available to serve as special judge in his or her court. The list shall remain confidential to the judge and his

or her designated staff. The method for selection of a special judge from the list shall be sequential, that is, from top to bottom, until each judicial officer has been selected. No judicial officer appearing on the list shall be selected more than once until all judicial officers have been selected.

6. The special judge, selected hereunder, shall have the sole discretion to transfer the proceeding under Trial Rule 79(M).

7. By requesting a special judge, the parties specifically waive:

1) Selection of a special judge under Trial Rule 79(D), Trial Rule 79(E) and Trial Rule 79(F), and

2) Any objection to the transfer of the proceeding under Trial Rule 79(M) if the special judge should order same.

8. Each special judge, who receives a case hereunder, shall maintain a statistical record of the number, case type and disposition of each case received to quantify the additional caseload and shall report same to the Division of State Court Administration on a quarterly basis.

9. Each judge, who assigns a special judge hereunder, shall maintain a statistical record of the number and case type of each case assigned and shall report same to the Division of State Court Administration on a quarterly basis.

10. This rule applies only to selection of special judges in civil matters. It does not apply to the selection of special judges in criminal and juvenile matters.

11. The judges in District 3 shall meet on or before May 1 of each year to review the WCLM from the previous year, shall meet during the month of September in each year to review the impact of this Rule and, no later than October 1 of each year, shall adopt a rule for the ensuing year.

12. All previous local rules adopted by the judge in District 3 regarding selection of special judges in civil matters are repealed to the extent that they are inconsistent with this Rule.

13. This Rule shall be effective as of January 1, 2000.

WELLS CIRCUIT AND SUPERIOR COURTS

JOINT LOCAL RULE # 8

FILED

NOV 01 2002

Betsy R. Allen
CLERK OF THE
WELLS SUPERIOR COURT

ESTABLISHING A TWO - TIER JURY NOTICE AND SUMMONS

We, the undersigned Judges of the Wells Circuit Court and the Wells Superior Court of Wells County, Indiana, hereby adopt Joint Local Rule #8 establishing a two-tier jury notice and summons procedure pursuant to Rule 4 of the Indiana Jury Rules.

Hereafter, the Wells Circuit Court and the Wells Superior Court shall summon jurors under the two-tier notice and summons procedure set out in Rule 4(b) of the Indiana Jury Rules.

DATED AND ORDERED AT BLUFFTON, INDIANA THIS 10th DAY OF
NOVEMBER, 2002.

David L. Hanselman Sr.
David L. Hanselman, Sr
Judge, Wells Circuit Court

Everett E. Goshorn
Everett E. Goshorn
Judge, Wells Superior Court